

Application No. 10/086,992
Amendment dated AUGUST 1, 2005
Reply to Final Office Action dated June 1, 2005

REMARKS

Applicants have carefully reviewed the Final Office Action dated June 1, 2005, prior to preparing this response. Currently, claims 1-50 and 52-58 are pending in the application, wherein claims 1-12, 16, 20-27, 33-37, 39-50, 52 and 53 are rejected, claims 13-15, 17-19, 28-32 and 38 are objected to, and claims 54-58 are allowed. Claims 1, 5, 13, 17, 19, 21, 22, 28, 30, 38 and 56 have been amended and claims 20, 35-37, 39-50 and 52-53 have been cancelled with this paper. Favorable consideration of the above amendments and following comments is respectfully requested.

As an initial matter, formal drawings were submitted in this case on August 13, 2002. However, the Applicants have not yet received an indication from the Examiner that the drawings have been accepted by the Examiner. Such an indication is respectfully requested.

Applicants assert the current amendments in the application place claims, which were objected to by the Examiner as being dependent on a rejected base claim, in independent form, or otherwise are clerical in nature. Applicants respectfully request entry of these amendments, asserting amendments complying with requirements as to form may be permitted after final action in accordance with 37 CFR §1.116(b). Additionally, Applicants respectfully assert an amendment that will place the application either in condition for allowance or in better form for appeal may be entered after Final rejection. See M.P.E.P. §714.12. Applicants respectfully request the Examiner enter the proposed amendments, asserting the amendments do not raise the issue of new matter or present new issues requiring further consideration or search. Applicants believe the amendments place the pending claims in condition for allowance, or otherwise place the claims in better form for subsequent appeal.

Claims 13-15, 17-19, 28-32 and 38 are objected to as being dependent upon a rejected base claim, but the Examiner has indicated that these claims would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. Claims 13, 17, 19, 28, 30 and 38 have been rewritten in independent form, including any limitations of intervening claims, as suggested by the Examiner. Claims 14-15 remain pendent from claim 13, claim 18 remains pendent from claim 17, claim 29 remains pendent from claim 28, and claims 31-32 remain pendent from claim 30. Thus, Applicants respectfully assert these claims are currently in condition for allowance.

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Additionally, claims 5, 46, 52 and 56 have been objected to for apparent clerical informalities. Claims 46 and 52 have been cancelled with this amendment, thus obviating the objection to these claims. Appropriate amendments to claims 5 and 56 have been submitted with this paper in view of the Examiner's suggestions, thus the Applicants believe the objections have been overcome.

Claims 1-3, 5, 7-11, 20-27 and 33-42 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 8, 9, 12-14, 18 and 24 of copending Application No. 09/972,276. It is noted that Application No. 09/972,276 has since issued as U.S. Patent No. 6,918,882. Applicants respond to this rejection by enclosing herewith a terminal disclaimer in compliance with 37 CFR 1.321(c). Although not conceding the merits of this rejection, Applicants respectfully submit that the terminal disclaimer overcomes this rejection, as such filing has no effect on patent term.

Claims 1, 3-6, 9-12, 16, 23, 24, 35-37, 39-50, 52 and 53 stand finally rejected in the application over the prior art of record. Applicants respectfully traverse these rejections. Nonetheless, claims 35-37, 39-50, 52 and 53 have been cancelled from the application in an attempt to advance prosecution of the application. In canceling these claims, Applicants do not concede the appropriateness of the rejection.

Claims 20-22 were provisionally rejected by the Examiner under the judicially created doctrine of obviousness-type double patenting, but otherwise Applicants take the position that claims 20-22 were in allowable form. An appropriate terminal disclaimer has been enclosed with this paper, thus avoiding the double patenting rejection. Claim 1 has been amended to include the limitations of claim 20. Therefore, claim 1, which includes the limitations of claim 20, is believed to be currently in condition for allowance and withdrawal of the rejection is respectfully requested. Claims 3-6, 9-12, 16, 23 and 24 depend from claim 1 and include additional limitations not taught in the prior art. Therefore, these claims are likewise believed allowable at this time. Similarly, claims 21 and 22 have been rewritten in independent form, including all of the limitations of claim 1. Therefore, claims 21 and 22 are also believed to be currently in condition for allowance.

The Examiner has indicated in the Final Office Action that claims 54-58 are currently allowable. Applicants thank the Examiner for the favorable consideration of these claims.


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Reexamination and reconsideration are respectfully requested. It is submitted that all pending claims are currently in condition for allowance. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney.

Respectfully submitted,
BRIAN R. REYNOLDS et al.

By their attorney,

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Scot Wickhem, Reg. No. 41,376
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349